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C O N F I D E N T I A L DUBLIN 000050

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SUBJECT: IRELAND SUPPORTS U.S.-PROPOSED SUA AMENDMENTS

REF: STATE 4828

Classified By: Political-Economic Counselor Mary Daly; Reasons 1.4 (B) and (D).

1. (C) On January 14, Post delivered reftel talking points to Declan Smith, Department of Foreign Affairs (DFA) First Secretary for Legal Affairs and Director for Law of the Sea

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Issues. (Eoin Fannon of Ireland's Attorney General's office will participate in the EU's January 17 Law of the Sea meeting (COMAR), which will aim to coordinate EU positions for the January 31 International Maritime Organization (IMO) Legal Committee meeting. Fannon, however, will be acting on instructions from Smith's Legal Affairs Division in DFA.) Smith said that Ireland, and the EU generally, supported the U.S.-proposed amendments to the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). Regarding the dual use provision, Smith noted that COMAR would focus on eliminating imprecision in the draft IMO Protocol on the SUA amendments regarding the criminalization of the transport of items that are intended for use in the manufacture or delivery of weapons of mass destruction (WMD).

He added that Ireland, along with most other EU Member States, also supported the notion that the dual use offense should cover transport to both state and non-state actors. Smith observed that difficulties in concluding a final IMO Protocol text derived from a lack of participation by non-proliferation experts in IMO Legal Committee meetings (consistent with reftel para 3). In Ireland's case, DFA had to coordinate not only with the Attorney General's office, but also the Department of Communication, the Marine and Natural Resources, which would be responsible for new domestic legislation to implement the IMO Protocol. Smith expected U.S.-EU consensus on moving forward with the SUA amendments, and he observed that the more difficult task would be to convince other countries, such as Pakistan, India, and China, as to the amendments' merits.

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